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though supported by the authority of the United States Supreme Court, the present writer is convinced that this view is erroneous. However much the definitions of international law may vary, they agree in one thing—that it has to do with the relations of nations. But if a British vessel collides on the high seas with a French vessel, and the offender upon arrival in an American port is libeled and redress is given by an American court, no government and no international relation is involved. The wrong suffered is a private wrong and the remedy sought is a private remedy. The law by which the rights of the parties will be judged is the law of the sea—the common law of nations, but not international law.

The authors offer some thoughtful comment upon the need for reform in admiralty law. They point out the chaotic condition of the law, due first to conflicting legislation, and secondly to the lack of judges in the admiralty courts who have been trained in admiralty law. In so far as the chaos is due to legislation, it is in process of being removed through the codification of the navigation laws which the United States Shipping Board, acting under special authority of Congress, is now carrying forward. In so far as it depends upon the courts, a remedy is more difficult. When a committee of lawyers from an important Atlantic seaport once waited upon the then President of the United States to ask that a vacancy in the District Court might be filled by the appointment of a man trained in admiralty, the President, himself an eminent lawyer, informed them, "Quite unnecessary. Any lawyer can learn admiralty law in two weeks." Perhaps the revival of interest in maritime affairs will lead to a demand that the judges who are to deal with the litigation arising from them shall have had some training in the law which they are to apply.

Appendices contain a form of protest, the text of the Merchant Marine Act of 1920 and a Summary of the Navigation Laws of the United States prepared by Jasper Y. Brinton of the Philadelphia Bar. This summary is one of the most helpful features of the book. In a space of about forty pages Mr. Brinton has made a clear and concise résumé of the mass of statutes dealing with navigation. Only one who has himself had occasion to analyze and classify this material can fully appreciate the merit of his achievement.

LAWRENCE B. EVANS.

Le Controle Parlementaire de la Politique Étrangère en Angleterre, en France, et aux États-Unis. By S. R. Chow. Paris: Ernest Sagot & Cie. 1920. pp. 326.

With the World War came an insistent demand for democratic control of foreign affairs. It was expressed in programmes for world-reorganization, agitated in public meetings, and urged in pamphlet literature. Governments were blamed for the catastrophe and there was a feeling that if

wars were to be prevented in future the people of the countries involved should have a larger share than they had in former days in shaping foreign policy. But opinions differed as to whether popular control should be exercised by a referendum to the voters or by the extension of the powers of the legislative at the expense of the executive branch of government, a check upon which was believed to be necessary.

Dr. S. R. Chow in his timely book on this subject has not undertaken to go into the question of a popular referendum, except incidentally, but has confined his investigation chiefly to the parliamentary control of foreign policies, the only direction in which advance is practical at the present time. Although in gathering his information he uses secondary sources chiefly, he has assembled important facts or quoted suggestive comments from recognized authorities on the science of government, constitutional law or international relations. Instead of preparing a formal thesis from original documents and producing a dry piece of reading, he has written an entertaining political essay and brought his subject within the understanding of the average mature reader. His method is first to analyze and then to compare the political systems of Great Britain, France and the United States to show the relative measure of control exercised by the executive and legislative branches of government, together with the reaction on them of public opinion in deciding questions of foreign policy. His third classification, which he calls political control, is more or less identified with legislative control and probably ought not to have separate treatment.

After dwelling in detail on the characteristics of these systems, Dr. Chow summarizes his findings in a special chapter. He endeavors to show that under the French system there are three kinds of control over foreign policy—legislative, constitutional and political; that under the British system there is political and legislative control, but a lack of constitutional control; and that in the American system, although there is legislative and especially constitutional control, political control does not exist. In all three systems, however, there is legislative control. In France, as in Great Britain, the executive department of government has large discretionary powers, yet the legislative branch can in a measure influence foreign policy when voting necessary credit, as for example, in support of a declaration of war, the establishment of a legation, or the execution of a treaty. In the French system the legislature can also exercise its influence by means of a commission on foreign relations which may examine a treaty, incidentally discuss the merits of the policy involved in it, and finally recommend its acceptance or rejection. The legislative control, however, in both the British and French systems is relatively less than in the United States, and is due in part to the fact that in Europe, as is not the case in the United States, emergencies are likely to arise that make the immediate centralization of power in the executive department necessary. But with this centralization go disadvantages. It happens that in Great Britain, for

example, parliamentary control cannot usually be exercised until after a course of action adopted by a ministry has become an accomplished fact, and then perhaps too late in the day the ministry, if it has taken a wrong step, may be overthrown. The influence of the British sovereign, though limited in many ways, is still felt in shaping foreign policy, as was shown in the case of the intervention of Queen Victoria in the Trent affair and of the activity of King Edward VII in promoting a friendly understanding with France. The French President has large discretionary power, but he may be restrained indirectly by action of the legislature.

The fundamental difference between the British, French and American systems is that in the latter system the popular check consists mainly in constitutional limitations on the power of the President, while in the former it consists of political control exercised by parliament on the acts of a responsible ministry which is clothed with executive power. The Secretary for Foreign Affairs in Great Britain and France has considerably more independence in directing foreign policy than the American Secretary of State, who acts as the agent of the President and is his subordinate. Parliament in Great Britain and France is sooner affected by an expression of the popular will by ballot than is Congress in the United States, but even in those countries public sentiment is more active in the determination of internal than of external policies, as it is difficult for people to form a judgment on far off affairs of which they know nothing and in which their private interests are not affected. Unless a cabinet is seriously wrong, it is sure to receive in Parliament the support of the party it represents and will not be upset by a difference over a detail. Therefore if the party programme is carried out, the ministers may remain undisturbed even though their foreign policy is objectionable. The executive branch of government has an advantage over Parliament in the European system through the practise of secret diplomacy, for a parliament that is kept in ignorance of the true state of affairs cannot act as intelligently as it should, but the executive branch is never quite sure that it will have support when the true facts are known and votes of credit or approval upon which its policy must depend have to be taken.

In the system in use in the United States are some advantages which the writer points out for consideration. They are derived mainly from constitutional limitations on the executive power. Here, in the initial stages of a foreign policy, particularly in the making of a treaty, the authority is in the hands of the executive branch of the government. It can shape a policy in a treaty, but, by constitutional provision, a treaty must be referred to the Senate before it can become a law. This body therefore can act before rather than after the fact, as is so often not the case, for example in Great Britain. Here, in the United States, there is little chance of secrecy in treaty-making as the conditions under which a treaty is negotiated must be made known to the Senate. But the two-

thirds majority requirement which, in the writer's opinion, is too large, enables a minority to control a situation by compelling indefinite postponement or creating an impasse such as occurred in the discussion of the Treaty of Versailles.

Commenting on the participation of the Senate in treaty-making, the author considers it from one point of view illogical. A treaty once adopted with the approval of the Senate becomes the law of the land, but in case of other acts that become the law of the land both branches of Congress act. He raises the old question of submission of treaties to both branches of Congress for validity instead of to one of them only.

Another advantage of the American system to which he calls attention is that although in the United States the President has large personal influence, as shown in the administration of President McKinley when the United States participated in the rescue of the legations in Peking, in the issuance of the "open door" letter of Mr. Hay without legislative action, and in the attitude of President Wilson at first in keeping the United States neutral and then in bringing matters to a certain crisis that made recognition of a state of war by Congress necessary, the legislative branch, owing to constitutional checks, can on the whole hinder the chief executive from embarking on policies that are contrary to national sentiment and may thus prevent the country from becoming involved in undesirable alliances, protectorates or imperial ventures. The writer dwells upon the superiority of the idea of constitutional checks and concludes that if some day another great democracy should make a choice of systems to bring about increased legislative control of foreign policy it would choose the American system as the better for this purpose than either the British or the French.

Whether Mr. Chow is right in his criticism of the arrangement for the participation of the Senate and not of the House of Representatives also in the validation of a treaty, the debates and votes on the Treaty of Versailles revealed the fact that there is already a powerful element of legislative control representing the entire country in the American system, even though in matters of ratification it extends only to the Senate. Direct political control by ballot is also possible here at stated times and then may be as effective as in France or Great Britain. In a presidential election if a momentous question of foreign policy must be decided, as for example, the acceptance or rejection of a measure like the Covenant of the League of Nations and the Treaty of Versailles, the whole American people can pass judgment on the issue and thus give their mandate to the executive power.

JAMES L. TRYON.